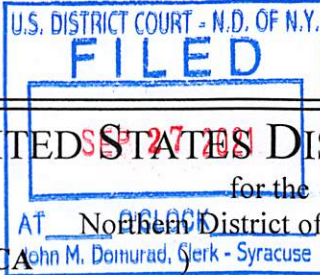


AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the

AT Northern District of New York

UNITED STATES OF AMERICA

v.

Case No. 5:21-MJ-

461 (two)

JOHN SEISELMYER,

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of September 17, 2021 in the county of Oneida in the Northern District of New York the defendant violated:

Code Section
18 USC § 2252A(a)(5)(B)

Offense Description
Possession of Material Containing Child Pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Martin Baranski, Special Agent

Printed name and title

Date: September 27, 2021

Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, MARTIN BARANSKI, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2252 and 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

2. This affidavit is offered in support of a criminal complaint and arrest warrant charging John SEISELMYER with violating 18 U.S.C. § 2252A(a)(5)(B) (possession of material containing child pornography), the “Subject Offense”.

3. The statements in this affidavit are based upon my investigation, information provided to me by other law enforcement officers and on my experience and training as a special agent of the FBI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included all facts known to me concerning this

investigation. I have instead set forth only the facts that I believe are necessary to establish probable cause to believe that SEISELMYER has committed the Subject Offense.

PROBABLE CAUSE

4. Peer to Peer (P2P) file sharing allows people using P2P software to download and share files with other P2P users using the same or compatible P2P software. P2P software is readily available on the Internet and often free to download. Internet connected devices such as computers, tablets and smartphones running P2P software form a P2P network that allow users on the network to share digital files. BitTorrent is one of many P2P networks. For a user to become part of the BitTorrent network, the user must first obtain BitTorrent software and install it on a device. When the BitTorrent software is running and the device is connected to the Internet, the user will be able to download files from other users on the network and share files from their device with other BitTorrent users.

5. Users of the BitTorrent network wishing to share new content will use a BitTorrent program to create a “torrent” file for the file or group of files they wish to share. A torrent file is a small file that contains information about the file(s) and provides a method for a user to download the file(s) referenced in the torrent from other BitTorrent users. Torrent files are typically found as the result of keyword searches on Internet sites that host or link to them. Torrent files may be referenced by their “infohash”, which uniquely identifies the torrent based on the file(s) associated with the torrent file.

6. To download file(s) from other users on the BitTorrent network, a user typically obtains a torrent file. The BitTorrent software processes the information in the torrent file and locates devices on the BitTorrent network sharing all or parts of the actual file(s) being sought.

The download of the content referenced in the torrent is achieved after the requesting computer and the sharing computer(s) directly connect to each other through the Internet using the BitTorrent software.

7. On Wednesday, July 28, 2021, an FBI Online Cover Employee (OCE) was conducting an online investigation on the BitTorrent network for offenders sharing child pornography. An investigation was initiated for a device at IP address 74.78.217.69, because it was associated with a torrent with the infohash: 0d1b6ae92361a12d403beb469a2a2085fc7ebd9e. This torrent file references 5,352 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.

8. Using a computer running investigative BitTorrent software, a direct connection was made to the device at IP address 74.78.217.69, hereinafter referred to as the "Suspect Device". The Suspect Device reported it was using BitTorrent client software -UT355W- µTorrent 3.5.5.

9. On Wednesday, July 28, 2021, between 0820 hrs and 1353 hrs, a download was successfully completed of approximately 176 files that the device at IP address 74.78.217.69 was making available to share. The device at IP Address 74.78.217.69 was the sole candidate for each download, and as such, each file was downloaded directly from this IP address.

10. I have reviewed the downloaded files and determined that some of the downloaded files contain child pornography, all of which are available for the Court's review upon request. Descriptions of two of the downloaded files are as follows:

- a. **Masha – 03Dey–03.avi** is a video file that is 1 minute and 24 seconds long. The video depicts a pre-pubescent girl, approximately 10 years old, fully nude sitting on a chair in a bathtub. The girl then inserts an object into her vagina.
- b. **Masha – 03Dey–04.avi** is a video file that is 34 seconds long. The video depicts the same pre-pubescent girl described above, bent over the chair in the bathtub and being digitally penetrated by an adult male.

11. Per open source research, the IP address used by Suspect Device at the time of the undercover download (74.78.217.69) belonged to internet service provider Charter Communications.

12. On or about August 18, 2021, the FBI served an administrative subpoena to Charter Communications requesting subscriber information for IP address 74.78.217.69 used on July 28, 2021 at approximately 8:20 AM and 1:53 PM (Eastern), the times for which the undercover downloads occurred. On August 23, 2021, Charter Communications responded that for the dates listed on the subpoena, IP address 74.78.217.69 was assigned to customer John Terry with a physical address of 922 Churchill Ave., 2nd Floor, Utica, NY 13502. Further, the response also stated that IP address 74.78.217.69 was assigned to the account of John Terry at the address starting June 24, 2021 through August 17, 2021, which encompasses July 28, 2021, the date for which files described above were downloaded from the Suspect Device to the law enforcement computers.

13. Open-source research could not locate an individual named John Terry residing at 922 Churchill Ave., 2nd Floor, Utica, NY 13502. However, open source research revealed a John SEISELMYER currently residing at 922 Churchill Ave., 2nd Floor, Utica, NY. The New York State online sex-offender registry database lists SEISELMYER as a level 2 sex offender, with a

designation as a sexually violent offender. SEISELMYER's registered address is 922 Churchill Ave., 2nd Floor, Utica, NY.

14. A review of SEISELMYER's criminal history shows that SEISELMEYER was convicted of Criminal Sexual Act, 1st Degree: Victim Less Than 11 Years Old on October 26, 2007 in Lewis County, NY Court and sentenced to a term 5 years in prison with 5 years of post-release supervision. This conviction led to SEISELMYER's obligation to register as a sex-offender. Your affiant obtained the underlying New York State Police (NYSP) report related to SEISELMYER's arrest for the Criminal Sexual Act, 1st Degree. Per the NYSP report, SEISELMYER was admitted to the St. Luke's Psychiatric Unit in Utica, NY in April 2007. While there, SEISELMYER told a staff member that he had performed a sexual act on a 4-year-old child approximately three years prior. The staff member reported the admission to the NYS Child Abuse Hotline. The hotline subsequently provided the report to local law enforcement. Law enforcement interviewed the child, confirmed the sexual abuse, and arrested SEISELMYER.

15. On September 13, 2021, a staff member at St. Luke's Psychiatric Unit in Utica, NY called Utica Police Department to report that SEISELMYER was currently admitted at the unit and has been talking about how he has been downloading child pornography on his home computer. Your affiant obtained a copy of the Utica police report, which detailed SEISELMYER's home address as 922 Churchill Ave., 2nd Floor, Utica, NY 13502.

16. On September 17, 2021, your affiant and other law enforcement officers executed a search warrant at SEISELMYER's residence, 922 Churchill Ave., 2nd Floor, Utica, NY. The second floor of the residence consisted of one occupied bedroom, and the remainder of the second floor appeared vacant. Per review of the mail in the bedroom, legal paperwork, and legal

identification, John SEISELMYER was the sole occupant of the bedroom as well as the second floor of the residence. SEISELMYER was not present during execution of the search warrant.

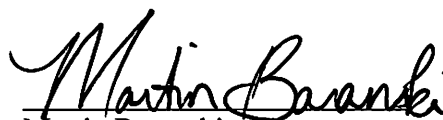
17. Law enforcement seized several electronic devices as a result of the search warrant. One such device, a Dell Optiplex 7010, service tag: 1Z20SW1, containing a Western Digital 160gb hard drive, S/N: WX61C10N5054, Product of Malaysia, was discovered in SEISELMYER's bedroom. The device was on the mantle of a fireplace and was connected to a computer monitor and appeared to be the primary operating computer in the bedroom at the time.

18. Your affiant conducted a digital forensic preview of the Dell's hard drive and discovered several media files consistent with child pornography. Two such files are described as follows:

- a. **(Kinderkutje) (Pthc) French 8Yo Little Girl.mpgPthc Children In Cinema – Russian 8Yo Girl Quite Elegant Pedofilia – Teache.mpg** is a video file that is 9 minutes and 8 seconds long. The video depicts a pre-pubescent girl, approximately 8 years old, being subjected to mouth to penis contact by an adult male, later in the video the adult male vaginally penetrates the child with his penis.
- b. **[JulyJailbait.nl] – [jjclubumn7vkhyuw.onion] – New studio – video 00146 part3.mp4** is a video file that is 14 minute and 4 seconds long. The video depicts a pre-pubescent girl, approximately 8 years old being subjected to mouth to penis contact. The adult male then inserts an object into the girl's vagina.

CONCLUSION

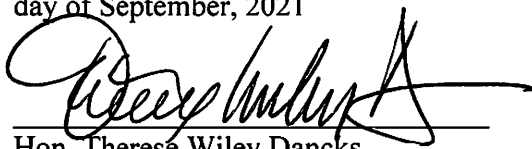
19. Based upon the above information, there is probable cause to establish that John SEISELMYER violated 18 U.S.C. § 2252A(a)(5)(B) (possession of material containing child pornography), and I request that a criminal complaint and arrest warrant be issued pursuant to this violation of federal law.



Martin Baranski
Special Agent
Federal Bureau of Investigation

Sworn to before me this 27th

day of September, 2021



Hon. Therese Wiley Dancks
U.S. Magistrate Judge